

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARK PARMELEE, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

BLUCORA, INC., a Delaware corporation,
WILLIAM J. RUCKELSHAUS, and ERIC M.
EMANS,

Defendants.

CASE NO.: 2:14-cv-00706-RSL

**JOINT STATEMENT CONCERNING
ORDER REGARDING INITIAL
DISCLOSURES AND JOINT STATUS
REPORT**

On June 25, 2014, the Court entered an Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement (Dkt #13) setting August 4, 2014 as a deadline for initial disclosures pursuant to FRCP 26(a)(1) and August 11, 2014 as a deadline for the filing of a joint status report and discovery plan pursuant to FRCP 26(f) and LCR 26(f). The parties jointly submit that these deadlines should be vacated.

This case, a purported securities class action, is governed by the Private Securities Litigation Reform Act of 1995 (the "Reform Act"). The parties submit that it would be premature to conduct a FRCP 26(f) conference or file a joint status report until the Court appoints a lead plaintiff and approves lead plaintiff's selection of counsel. Once appointed, the lead plaintiff and defendants can then discuss case scheduling.

The parties also submit that the filing of initial disclosures and a discovery plan would be premature because all discovery, including initial disclosures, in this action is subject to the automatic discovery stay provisions of the Reform Act. 15 U.S.C. § 78u-4(b)(3)(B) ("all discovery and other proceedings shall be stayed during the pendency of any motion to dismiss, unless the court finds upon the motion of any party that particularized discovery is necessary to preserve evidence or to prevent undue prejudice to that party."). *See also SG Cowen Sec. Corp. v. United States Dist. Ct.*, 189 F.3d 909, 912-13 (9th Cir. 1999) (Reform Act provides for automatic discovery stay until after the court has sustained the legal sufficiency of the complaint); *Medhekar v. United States Dist. Ct.*, 99 F.3d 325, 328 (9th Cir. 1996) (Rule 26(a) initial disclosures stayed by the Reform Act).

Dated: August 4, 2014

s/ Barry M. Kaplan

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Dated: August 4, 2014

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2014, I filed the foregoing with the Clerk of the Court using the CM/ECF system, and served all parties via ECF.

Dated: August 4, 2014

s/ Barry M. Kaplan
Barry M. Kaplan, WSBA #8661